

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

TRISHA K. CATA CUTAN,

Debtor.

Chapter 13

Case No. 16-42675 (ESS)

OPPOSITION TO TRUSTEE’S MOTION TO DISMISS

The aforementioned debtor, by and through their attorney, Irene M. Costello, Esq. of Cabanillas and Associates, P.C. hereby opposes the Trustee’s Motion to Dismiss the Chapter 13 case (the “Motion”) pursuant to 11 U.S.C. §1307(c), and in support thereof shows unto the court the following:

1. On June 17, 2016, the debtor filed a voluntary petition for relief under Chapter 7 of Title 11 *et. seq.* of the United States Bankruptcy Code.
2. The debtors’ case was converted to Chapter 13 and the plan has been confirmed by Order of this Court on June 5, 2017.
3. The chapter 13 Trustee, Marianne DeRosa, now seeks relief by dismissing the case on the grounds that the Debtor had not provided the tax returns or turned over her tax refund.
4. The Debtor has now provided the tax returns and turned over the tax refund to the trustee.

WHEREFORE, the Debtors respectfully request that this Honorable Court deny the Trustee's Motion to Dismiss this Chapter 13 case; and the debtor be granted such other and further relief as this Court deems proper.

Dated: White Plains, NY
October 8, 2018

CABANILLAS & ASSOCIATES, P.C.

/s/Irene Marie Costello

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